

REMARKS

This application has been amended and is believed to be in condition for allowance.

Claims 1-20 have been canceled and replaced with new claims 21-40. These claims have been drafted so as to be proper as to form and so as to patentably recite the present invention. Claims 21, 31, and 40 are independent.

Please make of record the verified English-language translation of the underlying Italian Application RM99A000464 filed on July 21, 1999.

The Official Action objected to the drawings. Responsively, replacement drawings are submitted in which the lines have been redrawn to be uniformly thick and well defined. Accordingly, withdrawal of the drawing objection is solicited.

The Official Action objected to the abstract for containing legal phraseology. The abstract was reviewed and there was difficulty ascertaining the objected to language. Accordingly, the abstract was amended in an effort to remove any phraseology that might be objectionable. Accordingly, withdrawal of the abstract objection is solicited.

The originally filed claims were rejected under §112, second paragraph, as being indefinite.

Responsively, these claims were canceled and replaced with new claims that are believed to conform with §112, second paragraph. Accordingly, withdrawal of the indefiniteness rejection is respectfully requested.

Claims 1-2, 4, 7, 9, and 18-19 stood rejected as anticipated by CAMOMILLA et al. 5,697,728.

Claims 1, 3-4, 6-7, 9, and 18-19 stood rejected as anticipated by ARTHUR 6,276,667.

Claims 1, 3-4, 6-7, 9, 11, 14, 16, and 18-20 stand rejected as anticipated by ARTHUR 6,533,250.

The two ARTHUR patents derived from Application No. 09/418,844, with a U.S. filing date of October 15, 1999. The present application has a priority date of July 21, 1999. By filing the attached English-language translation of the Italian priority document, applicants perfect their claim of priority. Accordingly, the two ARTHUR patents are not prior art to the present application. Accordingly, withdrawal of the corresponding anticipation rejections is respectfully requested.

Claim 5 was rejected as obvious over CAMOMILLA et al. or ARTHUR in view of THOMPSON 4,681,302; claim 8 over these two references in further view of PETERSON et al. 3,712,589; claim 17 over ARTHUR in view of PETERSON et al.; claim 10 over CAMOMILLA

et al. or ARTHUR; claim 15 over ARTHUR; claim 12 over ARTHUR in view of CHRISTENSEN 5,836,714; and claim 13 over ARTHUR.

As to the obviousness rejections, all of those which rely on one of the two ARTHUR patents are no longer viable as ARTHUR is not prior art to the present application. Further, the dependent claims are believed to be allowable at least for depending from an allowable independent claim.

In view of the ARTHUR references not being prior art to the present application, prior independent claim 11 is not substantively rejected. Accordingly, corresponding new independent claim 31 is believed to be allowable. In view of this, allowance of claim 31 and the claims depending therefrom, is respectfully requested.

New independent claim 21 and new independent claim 40 clarify a feature of the invention regarding the dual impact resistance nature of the recited resistance element (A) and dampening element (B). More specifically, the present invention includes first a resistance element which has a high resistance to impact and is designed for stopping motion of heavy vehicles. The present inventive barrier also includes a dampening element with a lower resistance to impact such that the dampening element, upon impact of a light vehicle, is deformable. In this way, a variable resistance barrier is provided.